

#11

Practitioner's Docket No. 082771.P259

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Luciani

Application No.: 09 /429,047

Group No.: 2697 CONFIRMATION NO. 5463

Filed: 10-29-1999

For: Method for Improving  
Signaling Efficiency and Performing  
Service Load Balancing in a Connection  
Oriented Network

Examiner: Yvonne Quy M. Ha

Date of mailing "Notice of Allowance and  
Base Issue Fee Due" 5/6/03Batch No. N/AMail Stop 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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OCT 03 2003

PETITIONS OFFICE

PETITION FOR WITHDRAWAL FROM ISSUE—ISSUE FEE PAID  
(37 C.F.R. § 1.313(c))

NOTE: "Any petition filed under 37 C.F.R. 1.313(b) to withdraw an application from issue after payment of the issue fee should be clearly marked "Petition under 37 C.F.R. 1.313(b)" and be either submitted by facsimile or hand-carried to the Office of Petitions (see M.P.E.P. § 1730 for the facsimile number and location)." M.P.E.P., § 1308, 8th Edition.

## CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\*

(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

## MAILING

- ☐ deposited with the United States Postal Service in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

37 C.F.R. § 1.8(a)

37 C.F.R. § 1.10 \*

- ☐ with sufficient postage as first class mail.

- ☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

## TRANSMISSION

- ☒ facsimile transmitted to the Patent and Trademark Office, (703) 308 - 6916

Date: 10-3-03

Signature

WILLIAM W. SCHAAAL, Reg. No. 39,018

(type or print name of person certifying)

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.8(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

(Petition for Withdrawal from Issue—Issue Fee Paid (37 C.F.R. § 1.313(b)) [~~3-33~~]—page 1 of 2 )

10/07/2003 AKELLEY 00000001 022666 09429047

01 FC:1460 130.00 DA

**NOTE:** In the Notice of May 9, 2000 "Parents to Issue within Twelve Weeks after Satisfaction of All Outstanding Requirements, Including Issue Fee Payment and Corrected Drawings" (OG, May 9, 2000, page 39) the PTO pointed out the following:

The USPTO implemented the new patent publication system. . . . Under this current patent publication system, the electronic capture of most of the information to be printed on the patent begins soon after the allowed application is received in the Office of Patent Publication, in advance of the satisfaction of outstanding requirements, i.e., issue fee and drawings. The application file is not available for any further processing during this initial electronic capture process. In order to implement the new publication system efficiently, the USPTO encourages applicants to take steps to minimize disruptions in the printing process. The USPTO encourages applicants to file items such as amendments, information disclosure statements, petitions, and corrected or formal drawings as soon as possible during examination of patent applications instead of during the post-allowance time frame. If papers are filed after allowance, please allow at least six weeks after the Notice of Allowance and Issue Fee Due has been received before inquiring about any post allowance correspondence.

### PETITION

1. Applicant hereby petitions for the withdrawal of this application from issue.

### PATENT ISSUE FEE

2. The issue fee for this case has been paid on 8-6-03

(complete the following if known)

This application is scheduled to

☒ issue on 10-7-03

☒ as patent 6,631,129

### REASON(S) FOR WITHDRAWAL REQUEST

**NOTE:** "Once the issue fee has been paid, the application will not be withdrawn from issue upon petition by the applicant for any reason except (1) Unpatentability of one or more claims, which petition must be accompanied by an unequivocal statement that one or more claims are unpatentable, an amendment to such claim or claims, and an explanation as to how the amendment causes such claim or claims to be patentable; (2) Consideration of a request for continued examination in compliance with § 1.114; or (3) Express abandonment of the application. Such express abandonment may be in favor of a continuing application." 37 C.F.R. § 1.313(c).

3. The reason for the request for withdrawal from issue is:

(check applicable item(s) below)

- (a) ☐ one or more of the claims are unpatentable.  
(b) ☒ consideration of a request for continued examination under § 1.114.\*  
(c) ☐ for express abandonment to permit consideration of an information disclosure statement under § 1.97 in a continuing application.  
(d) ☐ for express abandonment in favor of a continuing application.

Further details as to the reason(s) for this withdrawal request are set forth on the attached \_\_\_\_\_ sheet(s).

\*Submitted under separate cover via U.S. mail.

(Petition for Withdrawal from Issue—Issue Fee Paid (37 C.F.R. § 1.313(b)) [~~9-33~~]—page 2 of 2 )

# FEE TRANSMITTAL for FY 2003

Effective 01/01/2003, Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.

**TOTAL AMOUNT OF PAYMENT** (\$) **130.00**

## Complete if Known

Application Number	09/429,047
Filing Date	October 29, 1999
First Named Inventor	James V. Luciani
Examiner Name	Office of Petitions
Group/Art Unit	2697
Attorney Docket No.	82771P259

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OCT 03 2003

## METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account

Deposit Account Number

02-2666

Deposit Account Name

Blakely, Sokoloff, Taylor &amp; Zafman LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments  
☒ Charge any additional fee(s) required under 37 CFR §§ 1.16, 1.17, 1.18 and 1.20.  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(8)

### 2. EXTRA CLAIM FEES

Total Claims		20*	=		X		=	
Independent Claims		3	=		X		=	
Multiple Dependent								

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	85	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple Dependent claim, if not paid	
1204	88	2204	43	**Reissue independent claims over original patent	
1205	18	2205	9	**Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(8)

\*For number previously paid, if greater, For Reissues, see below

## FEE CALCULATION (continued) PETITIONS OFFICE

### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or osth	
1052	80	2052	25	Surcharge - late provisional filing fee or cover sheet	
2053	130	2053	130	Non-English specification	
1812	2,320	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	1,210	2255	605	Extension for reply within fifth month	
1404	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	250	2403	145	Request for oral hearing	
1451	1,510	2451	1,510	Petition to Institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1480	130	2480	130	Petitions to the Commissioner	130.00
1807	50	1807	50	Processing fee under 37 CFR 1.17(a)	
1808	180	1808	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	1809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify)					
* Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(8) 130.00

## SUBMITTED BY

Name (Print/Type)

William W. Schaal

Registration No.  
(Attorney/Agent)

39,018

Telephone

(714) 557-3800

Signature

Date

10/03/03

Based on PTO/SB/17 (08-03) as modified by Blakely, Sokoloff, Taylor & Zafman (w/r) 08/11/2003.  
 SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

**BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP**

TELEPHONE: (714) 557-3800

INTELLECTUAL PROPERTY LAW  
3200 PARK CENTER DRIVE, SUITE 750  
COSTA MESA, CA 92626

FACSIMILE: (714) 557-3347

**FACSIMILE COVER SHEET****URGENT**Deliver to: Office of Petitions, USPTOArt Group: 2697Facsimile No.: 703-308-6916Date: October 3, 2003From: William W. Schaal, Reg. No. 39,018Our Docket No.: 82771P259Number of pages 6 including this sheet.Application No.: 09/429,047Filing Date: 10/29/1999

Docket Due Date(s): \_\_\_\_\_

Enclosed are the following documents:

- |  |   |
|--|---|
| <input type="checkbox"/> Amendment: _____                          | <input type="checkbox"/> Issue Fee Transmittal                                    |
| <input type="checkbox"/> Appeal Brief (in triplicate) ( _____ pgs) | <input type="checkbox"/> Notice of Appeal   |
| <input type="checkbox"/> Application: _____                        | <input checked="" type="checkbox"/> Petition for: <u>Withdrawal from Issue</u>    |
| ( _____ pgs) w/cover & abstract)                                   | <input type="checkbox"/> Request for Continued Examination (RCE)                  |
| <input type="checkbox"/> Assignment & Cover Sheet ( _____ pgs)     | <input type="checkbox"/> Reply Brief ( _____ pgs)                                 |
| <input type="checkbox"/> Certificate of _____                      | <input type="checkbox"/> Request & Certification Under 35 USC 122(b)(2)(B)(i)     |
| <input type="checkbox"/> Continued Prosecution Application (CPA)   | <input type="checkbox"/> Request to Rescind Previous Nonpublication Request       |
| <input type="checkbox"/> Declaration & POA ( _____ pgs)            | <input type="checkbox"/> Response to Notice of Missing Parts & Formalities Letter |
| <input type="checkbox"/> Drawings: _____ sheets, _____ figures     | <input type="checkbox"/> Response to Written Opinion ( _____ pgs)                 |
| <input type="checkbox"/> Extension of Time: _____                  | <input type="checkbox"/> Terminal Disclaimer                                      |
| <input checked="" type="checkbox"/> Fee Transmittal (in duplicate) | <input type="checkbox"/> Transmittal of Publication Fee Due                       |
| <input type="checkbox"/> IDS & PTO/SB/08 ( _____ pgs)              | <input checked="" type="checkbox"/> Transmittal Letter                            |
| <input type="checkbox"/> Other _____                               |   |

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)**

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the United States Patent and Trademark Office.

Corinn R. Reynolds 10/3/2003  
Corinn R. Reynolds Date

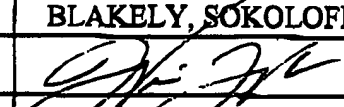
**FAX RECEIVED****OCT 03 2003****PETITIONS OFFICE**


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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)		Application No.	09/429,047
		Filing Date	October 29, 1999
		First Named Inventor	James V. Luciani
		Art Unit	2697
		Examiner Name	Office of Petitions
Total Number of Pages in This Submission	6	Attorney Docket Number	82771P259

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> PTO/SB/08 <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Basic Filing Fee <input type="checkbox"/> Declaration/POA <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">         Fax Cover Sheet       </div>
Remarks		<b>FAX RECEIVED</b> <b>OCT 03 2003</b> <b>PETITIONS OFFICE</b>

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	William W. Schaal, Reg. No. 39,018 <b>BLAKELY, SOKOLOFF, TAYLOR &amp; ZAFMAN LLP</b>
Signature	
Date	October 3, 2003

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Typed or printed name	Corrinn R. Reynolds		
Signature		Date	October 3, 2003